

IN THE SENATE OF THE UNITED STATES.

JANUARY 19, 1865.

Read twice and referred to the Committee on the Judiciary.

FEBRUARY 1, 1865.

Reported by Mr. FOSTER with amendments, viz: Strike out the words within [brackets and insert those printed in *italics*.

**AN ACT**

Providing for a district and a circuit court of the United States for the district of Nevada, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the State of Nevada shall hereafter constitute one  
4       judicial district, and be called the district of Nevada. And  
5       for said district a district judge, a marshal, and a district  
6       attorney of the United States shall be appointed.

1       SEC. 2. *And be it further enacted,* That the said district  
2       of Nevada shall be attached to and constitute a part of the  
3       tenth circuit. And a term of the circuit court of the United  
4       States for the said district shall be held in the city of Carson,  
5       in the State of Nevada, on the first Monday of March, and  
6       on the first Monday of August, and on the first Monday of  
7       December of each year. And a term of the district court

8 of the United States for the said district shall be held at the  
9 said city of Carson on the first Monday of February, and on  
10 the first Monday of May, and on the first Monday of October  
11 of each year.

1 SEC. 3. *And be it further enacted,* That the district  
2 court of the United States for the district of Nevada, and the  
3 judge thereof, shall possess the same powers and jurisdiction  
4 possessed by the other district courts and district judges of  
5 the United States, and shall be governed by the same laws  
6 and regulations.

1 SEC. 4. *And be it further enacted,* That the circuit  
2 court of the United States for the said district of Nevada,  
3 and the judge thereof, shall possess the same powers and  
4 jurisdiction in said district [which are possessed by them]  
5 *which are vested in said court and said judge* in the other  
6 districts of the tenth circuit.

1 [SEC. 5. *And be it further enacted,* That whenever the  
2 circuit judge of the tenth circuit is absent or from any cause  
3 is unable to hold in any district of his circuit a term of the  
4 circuit court appointed by law, it shall be the duty of the  
5 district judge of the district to hold such term; and the  
6 circuit courts held by the district judges shall possess the  
7 same jurisdiction and powers in all respects as when held by  
8 the circuit judge: *Provided,* That they shall not possess any  
9 jurisdiction to hear and determine any case or matter on

10 appeal or writ of error, or transferred from the district court,  
11 or any proceedings therein.

1       SEC. 6. *And be it further enacted,* That the district  
2 judge appointed for the district of Nevada shall receive  
3 as his compensation the sum of thirty-five hundred dollars  
4 a year, payable in four equal instalments, on the first days of  
5 January, April, July, and October, of each year.

1       SEC. 7. *And be it further enacted,* That the marshal  
2 and district attorney of the United States for said district of  
3 Nevada, and also for the district of Oregon, shall severally  
4 be entitled to charge and receive for the services they may  
5 perform double the fees and compensation allowed by the  
6 act entitled "An act to regulate the fees and costs to be  
7 allowed clerks, marshals, and attorneys of the circuit and  
8 district courts of the United States, and for other purposes,"  
9 approved February twenty-six, eighteen hundred and fifty-  
10 three: *Provided,* That the aggregate compensation allowed  
11 said officers shall not exceed the amount provided for such  
12 officers by said act.

1       SEC. 8. *And be it further enacted,* That the third, fourth,  
2 and fifth sections of the act of February nineteenth, eighteen  
3 hundred and sixty-four, entitled "An act amendatory of, and  
4 supplementary to, an act to provide circuit courts for the dis-  
5 tricts of California and Oregon, and for other purposes,"  
6 approved March third, eighteen hundred and sixty-three,

7 shall be applicable to the appointment of special sessions of  
 8 the circuit courts in the districts of Nevada, and to the appoint-  
 9 ment of clerks and deputy clerks of the circuit courts of the  
 10 districts of Nevada and Oregon. And that the clerk of the  
 11 circuit court in the districts of Nevada, Oregon, and Califor-  
 12 nia shall be also clerk of the district court in said districts,  
 13 and shall receive for like services the same fees and compen-  
 14 sation which are allowed by law to the clerks of the circuit and  
 15 district courts of the United States for California: *Provided,*  
 16 That the clerk in each of said districts shall be allowed by  
 17 the Secretary of the Interior to retain of the fees and emolu-  
 18 ments received by him as clerk of both courts, over and  
 19 above the necessary expenses of his offices and necessary  
 20 clerk hire included, to be audited and allowed by the proper  
 21 accounting officers of the treasury, only such sum per annum  
 22 as is now allowed by law to the clerk of one of said courts,  
 23 and shall pay the remainder into the public treasury, under  
 24 oath, in the manner and under the regulations now prescribed  
 25 by law.

1 SEC. 9. *And be it further enacted,* That this act shall  
 2 take effect on the first day of April next.]

1 SEC. 5. *And be it further enacted,* That the salary of the  
 2 district judge for the district of Nevada shall be three thousand  
 3 five hundred dollars per annum, payable in four equal instal-  
 4 ments, on the first days of January, April, July, and Octo-

5 ber of each year, and the marshal and district attorney of the  
6 United States for said district shall severally be entitled to  
7 charge and receive for the services they may perform the fees  
8 and compensation now allowed by law, to wit, by the act en-  
9 titled "An act to regulate the fees and costs to be allowed  
10 clerks, marshals, and attorneys of the circuit and district  
11 courts of the United States, and for other purposes," approved  
12 February twenty-six, eighteen hundred and fifty-three, for  
13 similar services. The clerks of the said district and circuit  
14 courts shall be appointed in the manner now prescribed by  
15 law for the appointment of such officers. They shall be sub-  
16 ject to the same rules and regulations, shall perform the same  
17 duties, and be entitled to charge and receive the same fees and  
18 compensation as officers of like character in the other districts  
19 and circuits of the United States for like services. \*

1 SEC. 6. And be it further enacted, That all cases of  
2 appeal or writ of error heretofore prosecuted and now pend-  
3 ing in the Supreme Court of the United States, upon any  
4 record from the supreme court of the Territory of Nevada,  
5 may be heard and determined by the Supreme Court of the  
6 United States, and the mandate of execution or of further  
7 proceedings shall be directed by the Supreme Court of the  
8 United States to the district court of the United States for the  
9 district of Nevada, or to the supreme court of the State of  
10 Nevada, as the nature of said appeal or writ of error may

11 *require, and each of these courts shall be the successor of the*  
12 *supreme court of Nevada Territory as to all such cases, with*  
13 *full power to hear and determine the same, and to award*  
14 *mesne or final process thereon. And from all judgments and*  
15 *decrees of the supreme court of the Territory of Nevada,*  
16 *prior to its admission into the Union as a State, the parties*  
17 *to said judgments and decrees shall have the same right to*  
18 *prosecute appeals and writs of error to the federal courts as*  
19 *they would have had under the laws of the United States if*  
20 *this act had been passed simultaneously with the act admitting*  
21 *said State into the Union.*

Passed the House of Representatives January, 1865.

Attest:

EDWARD McPHERSON, *Clerk.*